

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7871

BILL NUMBER: SB 563

NOTE PREPARED: Jan 12, 2005

BILL AMENDED:

SUBJECT: Redocketing Fee.

FIRST AUTHOR: Sen. Clark

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill has the following provisions:

- A. It allows a court to adopt a local rule to impose a redocketing fee of not more than \$100 on a party to certain civil actions if the party initiates proceedings following final judgment.
- B. It requires the fee to be deposited in the county user fee fund.

Effective Date: July 1, 2005.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues: Under current law, parties who initiate actions in court pay a filing fee for access to the court. After a case is decided, the parties to the case may petition the court for additional decisions. However, courts may not currently assess any fee for this additional work. This additional work may include a motion to correct an error or to enforce the judgment made by the court. This bill would permit courts to assess a redocketing fee when cases that are already decided are put back on the court's docket. New revenue would depend on local actions of the court and the clerk of the court.

Civil actions that could be affected by this bill include, but are not limited to, the following: cases founded in contract, civil collections, divorces and child support enforcement, mortgage foreclosure cases, tax warrants,

and cases founded in tort.

Proceeds from this fee would be deposited in the county user fee fund. Under IC 33-37-8-5, a county user fee fund is established in each county to finance various program services.

Illustration of Added Revenue – LSA analyzed 11,030 cases in which parties requested some additional action in CY 2004 after the final court decision in Marion County’s Superior Courts. The following table shows this summary by year and by type of case. A redocketing fee of \$100 would allow Marion County to collect an additional \$1.1 M.

Civil Cases Redocketed in Marion County in CY 2004 by Original Year of Filing and Type Of Case										
Yr. Filed	Collec- tions	Ple- nary	Torts	Misc & Unclassified	Domestic Relation	Mental Health	Mortgage Foreclosure	Prot Order	Adoption, Guardianship Estates	Total
b/f 1988				161	1					162
1988		1			40				1	42
1989					62				2	64
1990		2			77					79
1991		4		2	79				1	86
1992		5			91				1	97
1993		2			84					86
1994		13	5		113				2	133
1995		23	3	1	102					129
1996		35	1	2	134	8			3	183
1997		48	5		123	17			5	198
1998		68	8	25	134	11			4	250
1999		69	18	3	159	31			8	288
2000		140	41	4	189	20			5	399
2001		326	39	8	228	25			7	633
2002	312	85	86	24	376	31	211	3	8	1,136
2003	1,762	326	122	53	501	43	813	15	12	3,647
2004	2,077	236	107	34	264	58	597	35	10	3,418
Grand Total	4,151	1,383	435	317	2,757	244	1,621	53	69	11,030

State Agencies Affected: Division of State Court Administration, Indiana Supreme Court

Local Agencies Affected: Courts with civil jurisdiction

Information Sources: 2003 Indiana Judicial Report

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